

CHAPTER NO. 53

HOUSE BILL NO. 1998

By Representative Bone

Substituted for: Senate Bill No. 1993

By Senator Rochelle

AN ACT to amend Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 410 of the Private Acts of 1949; Chapter 310 of the Private Acts of 1957; Chapter 176 of the Private Acts of 1961; Chapter 279 of the Private Acts of 1972; Chapter 381 of the Private Acts of 1972; Chapter 38 of the Private Acts of 1989; Chapter 120 of the Private Acts of 1991; Chapter 185 of the Private Acts of 1994; and any other acts amendatory thereto, relative to the Charter of the City of Lebanon.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 410 of the Private Acts of 1949; Chapter 310 of the Private Acts of 1957; Chapter 176 of the Private Acts of 1961; Chapter 279 of the Private Acts of 1972; Chapter 381 of the Private Acts of 1972; Chapter 38 of the Private Acts of 1989; Chapter 120 of the Private Acts of 1991; Chapter 185 of the Private Acts of 1994; and any other acts amendatory thereto, relative to the Charter of the City of Lebanon, Tennessee, is amended in Article XII by deleting Section 13 in its entirety and by substituting instead the following:

Section 13. Be it further enacted, That when in the opinion of the City Council it appears to be economically more feasible, more efficient, and in the best interest of the City of Lebanon and its citizens, in order to protect the public health, safety and welfare, for the City Council to sell, lease, dispose of, dismantle or turn over to others for operation the plant franchise, and/or plant facilities, and/or lines and equipment of furnish light, electric power, and water, or any of them, then the City Council shall obtain the consent of a simple majority of the qualified registered voters of the City who cast a vote in an election held for that purpose. Should the City Council deem it proper to do any of these things, it shall submit the proposition to the voters for approval, setting forth the terms, conditions, provisions and details of the proposed transaction in an ordinance duly passed by the City Council at least thirty (30) days before certification and cause the same to be certified to the Election Commission of Wilson County, Tennessee, whose duty it shall be to call the election, advertising the same for at least thirty (30) days after certification by advertisements in a newspaper published in the City of Lebanon stating the purpose of the election, and to hold the election at the regular voting places in the City. On the ballots used in the election shall be printed the words "For Sale", "For Lease", and "Against Sale", "Against Lease", or for or against whatever the proposition may be, and the voter shall indicate that voter's preference by making a cross mark before or after the appropriate words. All qualified persons who are registered to vote in other City elections shall be qualified to vote in this election. The result of the election shall be certified by the Election Commission to the City Council. In order to properly carry out the authority authorized herein, the City Council shall first ascertain all facts and information necessary to wisely, intelligently, and judiciously inform the public of the reason or the necessity for such proposed action; and in this regard it shall be the duty of the City Council to examine property, books and records of

any person, firm or corporation engaged in the business of furnishing or distributing electric current or providing electric service or providing water power or services who shall make a proposal for the City for the purchase, lease, disposal, dismantling, or turning over to others for operation the plant franchise, and/or plant facilities, and/or lines and equipment to furnish light, electric power, and water, or any of them, to the citizens of the City of Lebanon.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of the City of Lebanon. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Legislative Body and certified to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

PASSED: May 27, 1999



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999



DON SUNDQUIST, GOVERNOR